N THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:20-cv-00082-MR-WCM

GARDNER-WEBB UNIVERSITY,)	
)	
Plaintiff,)	
)	ORDER
V.)	
)	
PRO FORM SPORTS, LLC and)	
GARY WILSON)	
)	
Defendants.)	
)	

This matter is before the Court *sua sponte* following the withdrawal of counsel of record for Defendants Pro Form Sports, LLC and Gary Wilson. <u>See</u> Doc. 22.

On February 24, 2021, during a hearing on the Motion to Withdraw, the undersigned advised Defendants that while Mr. Wilson may proceed *pro se*, Pro Form Sports, LLC may only appear in this matter through counsel. See Sea Island Co. v. The IRI Group, LLC, Civil No. 3:07cv013, 2007 WL 2997660 at *2 (W.D.N.C. Oct. 12, 2007) ("the law is well-established that corporate entities and other non-human entities, such as limited liability companies, can appear in federal court only through counsel"); The CIT Group/Comm. Services v. Crystal Springs Apparel, LLC, No. 3:08-CV-113-FDW, 2008 WL 2832773, *3 (W.D.N.C. July 16, 2008) (LLC may only appear in federal court only through

licensed counsel). Defendants indicated that they intended to retain new counsel, although they were unable to advise as to when new counsel would be secured.

On March 29, 2021, the undersigned conducted a status conference. During that conference, a representative of Pro Form Sports, LLC stated that the entity did not have the funds to retain counsel for this matter, though bankruptcy counsel had been consulted. The undersigned declined, at the time, to set a deadline by which new counsel for Pro Form Sports, LLC was required to appear in this case.

Upon further consideration, and additional review of the deadlines in this matter, the undersigned concludes that such a deadline should now be established. Accordingly, Pro Form Sports, LLC is advised that new counsel for it should file a notice of appearance in this case on or before **May 17, 2021**. Pro Form Sports, LLC is further advised that if counsel does not appear by that date, the undersigned may recommend that default be entered against Pro Form Sports, LLC.

It is so ordered.

Signed: May 5, 2021

W. Carleton Metcalf

United States Magistrate Judge